

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION

CRIMINAL NO. 1:99CR75

UNITED STATES OF AMERICA

VS.

MICHAEL MORRIS

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ORDER

THIS MATTER is before the Court *sua sponte*.

The Defendant was sentenced by the undersigned on October 31, 2001, to a prison term of 240 months for conspiracy to possess with intent to distribute cocaine base. **Judgment in a Criminal Case, filed November 19, 2001.** On May 20, 2009, the Probation Office filed a Supplement to the Defendant's presentence report pursuant to the Crack Cocaine Guideline Amendment. **Supplement to the Presentence Report, filed May 20, 2009.** The Probation Office advises that the revised guideline sentencing range as a result of Amendment 706 is "limited to a statutory maximum of [240 months and results] in no change to the applicable guideline range." *Id. at 1.* Therefore, the new amendment has

no effect on the Defendant's sentence. ***Id.*** Because this recommendation is adverse to the Defendant, the Court will require a response from counsel.

IT IS, THEREFORE, ORDERED that Defendant's counsel file response to the Supplement to the Presentence Report within 45 days from entry of this Order.

Signed: May 20, 2009

A handwritten signature in black ink, appearing to read "L. H. Thornburg", written over a horizontal line.

Lacy H. Thornburg
United States District Judge

